

ORAL ARGUMENT NOT YET SCHEDULED

Case No. 25-5057

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GWYNNE WILCOX,

Plaintiff-Appellee,

v.

**DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF
THE UNITED STATES, *et al.*,**

Defendant-Appellants.

On appeal from the United States District Court for the District
of Columbia, No. 1:25-cv-00334-BAH

MOTION FOR LEAVE TO FILE AMICUS BRIEF

Richard F. Griffin
Faaris Akremi
BREDHOFF & KAISER, P.L.L.C.
805 Fifteenth Street NW, Suite 1000
Washington, DC 20005
Phone: (202) 842-2600
Fax: (202) 842-1888
rgriffin@bredhoff.com
fakremi@bredhoff.com

MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to D.C. Circuit Rule 29, Professor Jed Handelsman Shugerman moves for leave to appear as amicus curiae and to file the attached brief. The parties have consented to Shugerman's filing of this motion and brief.

This case presents critical questions of constitutional history to which Shugerman has dedicated his career. Proposed Amicus is a Professor of Law at Boston University. He holds a JD and a PhD in History. He subscribes to the methodology of interpreting of the Constitution based on original public meaning (i.e., originalism) but has found many errors and misunderstandings in originalism-in-practice in the unitary executive theory. This brief offers new evidence about the original public meaning of Article II and critiques new claims by some unitary theorists.

The Court's analysis of those questions will be better served by a more complete picture of the historical evidence. Despite the Federal Rules of Appellate Procedure's silence on amicus participation at the motions stage, this Court has considered amicus filings when evaluating stay and injunction requests, including recently in *Dellinger v. Bessent*, No. 25-5052 (D.C. Cir. Mar. 5, 2025) (granting leave to file four amicus briefs). Professor Shugerman's participation would not prejudice any party, as he has submitted this brief simultaneously with the parties' briefing of the stay request.

CONCLUSION

The Court should grant Prof. Shugerman leave to file the attached amicus brief in opposition to the government's emergency motion for a stay pending appeal.

Dated: March 12, 2025

Respectfully submitted,

/s/ Richard F. Griffin

Richard F. Griffin

Faaris Akremi

BREDHOFF & KAISER P.L.L.C

805 Fifteenth Street NW, Suite 1000

Washington, DC 20005

Phone: (202) 842-2600

Fax: (202) 842-1888

rgiffin@bredhoff.com

fakremi@bredhoff.com

Counsel for Amicus Curiae

Professor Jed H. Shugerman